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PATENT**REMARKS**

The Office Action mailed October 24, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1 and 3-14 are now pending in this application. Claims 2 and 15-39 have been canceled. Claims 1-14 stand rejected.

The rejection of Claims 1-14 under 35 U.S.C. § 112 is respectfully traversed. Specifically, Claim 1 has been amended at the Examiner's suggestion to include the recitation of "uncoupling the pedestal base from the chair," and Claim 7 has been amended at line 6 to recite "at least one of said upper enclosure member and said lower enclosure member telescopically moveable relative to said other enclosure member. In addition, Claim 8 has been amended to recite "coupling a height adjustment mechanism including a drive shaft, a gear box coupled to the drive shaft, and an electric motor coupled to the gear box to the chair" and Claim 10 has been amended to recite "a housing that is formed integrally with the battery, control switch, gear box, drive shaft, motor, and wiring." Accordingly, Claims 1, 7, 8, and 10 have each been amended to comply with the statutory requirements of Section 112. Claim 2 has been canceled. Claims 3-14 depend, directly or indirectly, from independent Claim 1. Accordingly, Applicants request that the Section 112 rejections of Claims 1-14 be withdrawn.

The rejection of Claims 1 and 11 under 35 U.S.C. § 103 as being unpatentable over Stumpf (U.S. Pat. No. 6,045,187) in view of Japanese Patent (JP 402299609) is respectfully traversed.

Claim 2 was indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. Claim 2 has been canceled, and independent Claim 1 has been rewritten to include the recitations from Claim 2. Moreover, Claim 1 has been amended to overcome the Section 112 rejections, and as such, is submitted to be patentable over Stumpf in view of JP 402299609.

Claim 2 has been canceled. Claim 11 depends from independent Claim 1. When the recitations of Claim 11 are considered in combination with the recitations of Claim 1,

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Applicants submit that dependent Claim 11 likewise is patentable over Stumpf in view of JP 402299609.


For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1 and 11 be withdrawn.

Claims 2-10 and 12-14 were indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. Claim 2 has been canceled, and independent Claim 1 has been rewritten to include the recitations from Claim 2, and as such is submitted to be in condition for allowance.

Claim 2 has been canceled. Claims 3-10 and 12-14 depend from independent Claim 1. When the recitations of Claims 3-10 and 12-14 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-10 and 12-14 likewise are in condition for allowance.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

  
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